

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Inquiry Concerning the Deployment of)	
Advanced Telecommunications Capability to)	
All Americans in a Reasonable and Timely)	GN Docket No. 07-45
Fashion, and Possible Steps to Accelerate)	
Such Deployment Pursuant to Section 706 of)	
the Telecommunications Act of 1996)	

To: The Commission

COMMENTS OF NATIVE PUBLIC MEDIA

Native Public Media (“NPM”) respectfully submits these comments in response to the Notice of Inquiry (“NOI”) released by the Federal Communications Commission (“FCC” or “Commission”) seeking comment on the current status of the deployment of advanced telecommunications capability in the United States and ways that the Commission can accelerate such deployment.¹ NPM appreciates the Commission's particular focus on and interest in the status of deployment of advanced telecommunications capability on tribal lands.² Focusing on the advanced services deployment in Native nations is consistent with the Commission’s obligation to ensure deployment of such services to “all Americans” in a reasonable and timely fashion.³ Efforts to measure and ensure deployment of such services also should be guided by the unique government-to-government and trust relationship with federally-recognized Native

¹ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, GN Docket No. 07-45, FCC 07-21 at ¶ 27 (“NOI”).

² *Id.* ¶¶ 27, 30, 33.

³ See § 706 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (“1996 Act”), 47 U.S.C. § 157.

nations, a relationship acknowledged by the Commission's *Tribal Policy Statement*.⁴ Given the lack of information available about deployment of advanced telecommunications capability on tribal lands and the high likelihood that such deployment is seriously deficient as compared to services available in other areas, NPM urges the Commission to undertake a study of various communications services available on tribal lands. The study should assess access to and adoption of both narrowband and broadband Internet access services, as well as tribal ownership of the facilities used to provide such services. The results of such a study could provide the Commission with empirical data necessary for its future policymaking with respect to services delivered by and for Native American tribes.

NPM represents the interests of 33 public radio stations serving Native nations and communities throughout the United States.⁵ Since its launch in 2004, NPM's primary focus has been strengthening existing Native American public radio stations and promoting ownership for more Native communities by serving as an advocate, national coordinator, and resource center. NPM recognizes that profound changes are taking place in the way Americans communicate and consume media, and is therefore focused not only on the needs of Native American radio stations, but also on helping Native America leverage new digital and wireless platforms.⁶

⁴ *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, 16 FCC Rcd 4078, 4081 (2000). Among other things, the Commission's policy recognizes "the rights of Indian Tribal governments to set their own communications priorities and goals for the welfare of their membership."

⁵ NPM, formerly known as the "Center for Native American Public Radio," was created as a center under the National Federation of Community Broadcasters with seed funding from the Corporation for Public Broadcasting ("CPB").

⁶ Among other things, with increased broadband penetration on Native lands, NPM member stations can use their web sites to usher in a new wave of Native American voices and images through listener blogging, chatting, and downloading and uploading audio and video streams. With existing and emerging technologies, NPM's member stations are poised to become even greater hubs of communication in their communities by complementing their local and national on-air offerings with on-demand and interactive (footnote continued)

Improving the communications infrastructure on tribal lands is critical to the self-government, economic development, and nation-building objectives of Native nations. Native nations, as sovereign governments engaged in the exercise of modern self-determination, are responsible for the health, safety, and welfare of their citizens. They are responsible for policing and securing the homeland within their borders, including several regions spanning international borders; maintaining and sustaining their sacred histories, languages, and traditions; and establishing and fostering healthy economies. In spite of the importance of communications to Native nation building, most communities remain unserved and underserved in both the media and telecommunications areas. A mere 33 of the 562 federally recognized tribes have public radio stations.⁷ Moreover, only 68% of households on tribal lands have a telephone; only eight tribes own and operate telephone companies; and broadband penetration on Indian lands is estimated at less than 10%.⁸

The NOI seeks comment on the availability of advanced telecommunications capability to individuals living on tribal lands. In particular, the NOI asks for information on: whether advanced services, where available, are being deployed to all or only to a limited number of consumers on tribal lands; any unique challenges associated with the deployment of advanced

news, information, and programming. Internet-based complements to free over-the-air programming will be irrelevant, however, if most NPM listeners lack access to advanced telecommunications capability.

⁷ NPM also has requested that the Commission undertake a study of Native American ownership of media outlets, either upon the establishment of an FCC Indian Desk or as part of its broadcast ownership proceeding. See Reply Comments of Native Public Media in MB Docket No. 06-121, *2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996* (filed January 16, 2007) at 3, 14 (“*NPM Media Ownership Reply Comments*”) (The Commission should “[t]rack, compile, and publish accurate data on the number of commercial and non-commercial broadcast licenses held by Native Nations, tribal organizations, and individual Native Americans.”)

⁸ See Hearing Testimony of NCAI President Joe Garcia before the Senate Committee on Commerce, Science, and Transportation, March 7, 2006 at 1-2 (“*NCAI Testimony*”).

services in tribal areas; whether such challenges differ from those facing other rural areas; what kinds of technology are being used to provide advanced services on tribal lands; and which technologies are most widely available on tribal lands, and why.⁹ The NOI acknowledges that there may be a lack of information about subscribership to Internet access services by households on tribal lands, citing a GAO survey which concludes that this information is unknown and untracked by any federal survey.¹⁰ The Commission also asks which technologies are most promising for future broadband deployment in tribal areas.¹¹

NPM agrees that there is insufficient data available regarding broadband Internet access on tribal lands, not only in terms of subscribership, but in terms of the types, tiers, and packages of services available, the challenges to deployment and adoption of broadband Internet access service, and the kinds of technology most widely deployed on tribal lands. Without answers to these questions, it is difficult to define the scope and nature of the problem of broadband deployment on tribal lands and to develop solutions. For example, in areas of Native nations where there is no broadband service available, barriers to provision of service could be identified, and technical, economic, or other issues could be addressed and eliminated or mitigated. Or, if there are areas where high-speed Internet access is available, but subscription rates are low because of the cost of service, then steps to address high costs would be required. Without adequate information regarding the current state of broadband availability and affordability on tribal lands, however, it is difficult for the Commission, tribes, or private sector

⁹ NOI ¶ 27.

¹⁰ *Id.* (citing United States Government Accountability Office, *Challenges to Assessing and Improving Telecommunications for Native Americans on Tribal Lands*, GAO-06-189 (Jan. 2006) ("GAO Tribal Telecommunications Report")).

¹¹ NOI ¶ 27.

providers to determine how best to establish a broadband marketplace flourishing with competition and consumer choice for tribal residents.

The Commission has identified many of the key questions that need to be addressed in a full-fledged empirical study of Internet access and usage on tribal lands. NPM urges the Commission to undertake a detailed empirical study that would answer all of the questions it has raised in its NOI. In addition to addressing these questions, such a study should determine what tiers and packages of services are available at what prices, and should address tribal ownership and control of telecommunications facilities. This kind of data would help tribes and others concerned about Internet access on tribal lands to determine which technologies are most promising for future broadband deployment in tribal areas.¹² At this time, NPM believes that wireless and satellite technologies hold the greatest promise for deploying broadband on tribal lands because they are often rural, have low population densities, or are characterized by rugged terrain.¹³ Such areas would likely be served more efficiently by satellite and wireless technologies, which can be deployed with less investment in extensive infrastructure than would “wired” broadband service offered by a cable operator or local exchange carrier.

Only further study will determine how the Commission can best accelerate deployment of telecommunications capability on tribal lands as required by Section 706 of the 1996 Act. NPM

¹² NOI ¶ 27.

¹³ As NPM has stated elsewhere, it supports Commission efforts to identify additional spectrum that will bring broadband and other wireless services to Native American communities. *See NPM Media Ownership Reply Comments* at 7 n. 10. *See also* Ted Jojola, Physical Infrastructure and Economic Development, Prepared for the National Congress of Indians Policy Research Center at 3 (May 2007) (wireless technologies are viewed as “integral to surmounting barriers such as geographic isolation and low population densities” on Indian lands); GAO Tribal Telecommunications Report at 5-6 (observing that some tribes have focused primarily on developing wireless technologies because they “can be less expensive to deploy over long distances and rugged terrain”).

urges the Commission to undertake such a study in order to identify barriers to broadband investment, deployment and adoption on tribal lands. Eliminating these barriers is critical to Native nations' ability to secure their homelands, educate their citizens, and maintain growing economies.

Respectfully submitted,

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